

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u>October 28, 2009</u>
MOTOR CARRIER MATTER	<input type="checkbox"/>	DOCKET NO.	<u>2009-326-C</u>
UTILITIES MATTER	<input checked="" type="checkbox"/>	ORDER NO.	<u>2009-761</u>

**THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.**

**SUBJECT:**

DOCKET NO. 2009-326-C - State Universal Service Support of Basic Local Service Included in a Bundled Service Offering or Contract Offering – Discuss with the Commission a Joint Motion Requesting Commissioner Review of the Hearing Officer's Order Filed on Behalf of the Office of Regulatory Staff and the South Carolina Telephone Coalition.

**COMMISSION ACTION:**

This matter is before the Commission on a Joint Motion for review of the hearing officer's order on a discovery issue in this case. Two weeks ago, this Commission issued a directive posing two questions to the parties. The first question had to do with whether or not the CLECs could use aggregated data for discovery purposes. The second question concerned the potential harm that would be created if we affirmed the hearing officer's directive to the Office of Regulatory Staff to release the disputed material to the CLECs under the provisions of a very stringent protective order issued by the hearing officer. The CLECs' answer to the first question in part was that receiving aggregated data would prevent them from evaluating and understanding how the individual Carriers of Last Resort are classifying eligible and ineligible lines. With regard to the second question, Windstream South Carolina, LLC pointed out that there was certain data on the requested forms that was irrelevant and unlikely to lead to relevant information concerning bundled offerings, even when furnished under the protection of a Protective Order. Although I disagree with Windstream on the precise material that is irrelevant, I agree with Windstream's assertions in principle. Accordingly, after reviewing the original hearing officer's order, pursuant to the Joint Motion for Review, I believe that we should affirm in part and deny in part, refining that order based on the significant additional information received subsequent to issuance of the hearing officer's order. The arguments for complete reversal of his Order are simply not compelling. I move that we require that ORS furnish to the CLECs individual data for all Incumbent Local Exchange Carriers found on Lines 1 and 2 (separately) of the South Carolina Annual Universal Service Fund ILEC Data Reports filed with ORS from 2005 to the present. That is, ORS shall furnish the number of Residence USF access lines served by Designated Support Service Area rate group, and, separately, the number of Single-Line Business USF access lines by USF Designated Support Service Area rate group on a per ILEC basis from 2005 to the present. None of the rest of the data on the ILEC Data Report forms need be furnished, as it appears to be outside the scope of the issue before the Commission in this docket. The designated data shall be furnished to counsel for the CLECs by ORS by the close of business on Friday, October 30, 2009. The provisions of the protective order as outlined by the hearing officer shall remain in full force and effect. Further, I move that the prefiling deadline for Reply testimony for all parties in this Docket be extended to the close of business on Monday, November 2, 2009. The due date for the prefiling of Surreply testimony and exhibits shall remain at November 13, 2009. The testimony shall be placed in the hands of the Commission and the parties on those dates. Accordingly, I move that this Commission grant the joint motion for review and refine the hearing officer's order as set out above. In conclusion, it should be noted that, by agreement of all parties and by Order of the Commission, this Docket is limited to a consideration of whether basic local service should receive State Universal Service Support when it is included in a bundled service offering or contract offering, and this Commission's affirmance of the hearing officer's order as refined granting discovery in no way expands or modifies this Commission's scope of inquiry in this Docket.

PRESIDING: Howard

SESSION: Regular

TIME: 2:00 p.m.

	MOTION	YES	NO	OTHER	
FLEMING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Absent
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Family Sick Leave

WRIGHT



(SEAL)



RECORDED BY: J. Schmieding